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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/826,083 | 04/04/2001 | Bruce Royer | 57111-5094 | 3868 |
| 7590 | 10/10/2006 | | EXAMINER | |
| TIFFANY & BOSCO 2525 East Camelback Road Phoenix, AZ 85016-4237 | | | FISCHETTI, JOSEPH A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|---------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/826,083 | ROYER ET AL. |
| | Examiner Joseph A. Fischetti | Art Unit 3627 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/13/06.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,7,8,18,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 2-6,9-17,19-23 and 26-48 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,7,8,18,24 and 25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Election/Restrictions

Claims 2-6,9-17,19-23,26-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions/species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 13 2006, however the reasons given fail to overcome the restriction and election requirements. Applicants argue that the generic claims are allowable and thus the species requirement is invalid. However, as evidenced from the below rejections independent claims 1 and 18 stand rejected under 35 USC 103 and thus the dependent claims remain subject to the election requirement.

The requirement is made **FINAL**.

Specification

Claims 1,7,8 are objected to because of the following informalities: In claim 1, last line "or" s/b --of--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1,7,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of McCaslin.

Brandt discloses a system and method for accessing rental equipment reservation software applications via the world wide web, including the steps of displaying reservation summary having reservation data (i.e. car preference, origin city, etc.) and vehicle type information (see column 23, lines 64-67); tracking equipment inventory (see column 23, lines 30-40); making confirmation of reservation (see column 28, lines 60-63); updating reservation information (see column 32, lines 47-48); searching equipment inventory (see **paragraph** bridging columns 29-30); and displaying customer information and customer history information(see column 31, lines 7-11).

However, Brandt appears silent regarding tracking the equipment inventory information for each rental location for managing equipment availability at the plurality of rental locations. McCaslin discloses a system and method whereby equipment and its availability at given service locations (col. 16 line 8), is managed, e.g. equipment is determined unavailable at a service location if its status is marked "ready to ship". It would be obvious to modify the system in Brandt to include the plural location equipment management feature of McCaslin whereby the availability of equipment at any rental location in Brandt would be known. Notwithstanding, Official notice is taken of the well known use of a equipment manage system used in auto rental locations which manages equipment availability, e.g. car needed in FLA so the system finds a customer going to FLA to deliver the car, this would be an obvious inclusion into Brandt because it would create a more efficient use of equipment.

Re claims 7,24: col. 32 lines 47 et seq. disclose updating a selected car.

Claims 8, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt in view of McCaslin and further Craig.

Craig teaches the use of a system alerting the user of upon the detection of an update failure (see paragraph bridging columns 7-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brandt with update alert failures as taught by Craig, because update alert failure notifications allows the user to determine when updates have problems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.


JOSEPH A. FISCHETTI
JOSEPH A. Fischetti
PRIMARY EXAMINER
Primary Examiner
Art Unit 3627